

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

VIET HUYNH,

Plaintiff,

v.

LCS FINANCIAL,

Defendant.

Case No. 8:24-cv-00082-SB-DFM

ORDER DISMISSING CASE FOR
LACK OF PROSECUTION

On April 12, 2024, Judge Cormac J. Carney issued an order to show cause (OSC) why this case should not be dismissed for lack of prosecution. Dkt. No. 11. The OSC warned Plaintiff that his failure to serve Defendant within 90 days of filing would result in dismissal and gave Plaintiff an opportunity to respond. *Id.* Plaintiff responded to the OSC, stating that he intended to move promptly to effectuate service upon defendants “once permitted to engage in discovery.” Dkt. No. 13. Plaintiff moved to engage in discovery prior to the Rule 26(f) conference, which Judge Carney denied without prejudice on May 13. Dkt. Nos, 12, 14. On May 31, the case was reassigned to this Court.

Because Plaintiff stated in response to the OSC and in his motion to engage in early discovery that his ability to prosecute this case hinged on his ability to conduct discovery, and because his request to engage in such discovery was denied and Plaintiff has taken no further action in the four weeks since the denial, the Court finds that Plaintiff has failed to prosecute his case here. Accordingly, the Court resolves the pending OSC by dismissing the case without prejudice.

Date: June 10, 2024



Stanley Blumenfeld, Jr.
United States District Judge